

**3504. Adulteration and misbranding of so-called peach brandy. U. S. v. Pure Food Distilling Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 4814. I. S. No. 17381-d.)**

On December 11, 1913, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Pure Food Distilling Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 15, 1912, from the State of Missouri into the State of Illinois, of a quantity of so-called peach brandy which was adulterated and misbranded. The product was labeled: (Main label) "Family Trade Peach A Compound Absolutely Pure Highest Quality Pure Food Distilling Co. St. Louis, Missouri." (On seal over cork) "Absolutely Pure Pure Food Distilling Company. Guaranteed under the National Pure Food Law June 30, 1906."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Solids (grams per 100 liters of absolute alcohol).....	177. 1
Esters as ethyl acetate (grams per 100 liters of absolute alcohol).....	50. 3
Alcohol (per cent by volume).....	35. 27
Volatile acid, as acetic (grams per 100 liters of absolute alcohol) .....	13. 7
Color: Caramel.	
Odor on evaporation, peach.	
Total acid as acetic (grams per 100 liters of absolute alcohol).....	34. 3
Fusel oil (grams per 100 liters, 100 proof alcohol).....	38. 7

Adulteration of the product was alleged in the information for the reason that a substance—that is to say, water—had been mixed and packed with said product so as to reduce and lower and injuriously affect its quality and strength; and, further, in that water had been substituted wholly or in large part for the genuine article, to wit, peach brandy. Misbranding was alleged for the reason that the said statement "Family Trade Peach," so borne on the label as aforesaid, was false and misleading because it conveyed the impression that said product was peach brandy, when, in truth and in fact, said product was not peach brandy, but was a mixture or compound of peach brandy, water, and alcohol, and was colored with caramel; and said statement "A Compound," which also appeared on said label, was in small and inconspicuous type and was insufficient to correct and overcome the false impression created by the remainder of said label; and said product was further misbranded in that it was labeled and branded so as to deceive and mislead the purchaser, being labeled "Family Trade Peach," thereby creating the impression that said product was peach brandy, whereas, in truth and in fact, said product was not peach brandy but was a mixture of peach brandy, water, and alcohol, which had been colored with caramel; and said statement "A Compound," which also appeared on said label, was in small and inconspicuous type and was insufficient to correct and overcome the false impression created by the remainder of said label; and said product was further misbranded in that it was a mixture or compound of peach brandy, water, and alcohol, which had been colored with caramel and was an imitation of and offered for sale under the distinctive name of another article, to wit, peach brandy; and said product was further misbranded in that it was a compound but was not labeled so as to plainly indicate that it was a compound, the said statement "A Compound," so appearing on said label, being in small and inconspicuous type.

On July 7, 1914, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$50 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., December 31, 1914.